



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 05/02/06

AGENDA ITEM 2

WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: City Clerk

SUBJECT: Adoption of an Ordinance Amending Chapter 6, Article 10, of the Hayward Municipal Code Pertaining to Massage Establishments and Massage Therapy Technicians

RECOMMENDATION:

It is recommended that the City Council adopt the attached Ordinance.

BACKGROUND:

The ordinance was introduced at the April 25, 2006, meeting of the City Council with the following vote:

AYES:	Council Members:	Jimenez, Quirk, Halliday, Ward, Dowling, Henson
	Mayor:	Cooper
NOES:	Council Members:	None
ABSENT:	Council Members:	None
ABSTAIN:	Council Members:	None

The ordinance was published in the Hayward Daily Review on April 29, 2006. Adoption at this time is therefore appropriate.

Prepared by:


Angelina Reyes, City Clerk

Approved by:


Jesús Armas, City Manager

Draft Ordinance

PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE BY THE CITY
COUNCIL OF THE CITY OF HAYWARD

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 10 OF
THE HAYWARD MUNICIPAL CODE PERTAINING TO
MASSAGE ESTABLISHMENTS AND MASSAGE THERAPY
TECHNICIANS

Section 1. Upon the adoption of this ordinance, Article 10 of Chapter 6 of the Hayward Municipal Code is hereby repealed and, in substitution thereof, a new Article 10 of Chapter 6 of the Hayward Municipal Code is hereby enacted to read as follows:

- SEC. 6-10.00 TITLE
- SEC. 6-10.01 FINDINGS AND PURPOSE
- SEC. 6-10.02 DEFINITIONS
- SEC. 6-10.03 PERMIT REQUIREMENT
- SEC. 6-10.04 PERMIT EXEMPTIONS
- SEC. 6-10.05 EDUCATIONAL, CERTIFICATION, AND ASSOCIATION REQUIREMENTS
- SEC. 6-10.07 MESSAGE ESTABLISHMENT PERMIT APPLICATION AND FEE
- SEC. 6-10.08 MASSAGE THERAPY TECHNICIAN PERMIT APPLICATION AND FEE
- SEC. 6-10.09 APPLICATION REVIEW
- SEC. 6-10.10 PERMIT ISSUANCE OR DENIAL
- SEC. 6-10.11 DISQUALIFYING CONDUCT
- SEC. 6-10.12 HEARING ON DENIAL OF PERMIT
- SEC. 6-10.13 GROUNDS FOR SUSPENSION OR REVOCATION OF PERMIT
- SEC. 6-10.14 HEARING ON SUSPENSION OR REVOCATION OF PERMIT
- SEC. 6-10.15 BURDEN OF PROOF
- SEC. 6-10.16 APPEAL OF SUSPENSION OR REVOCATION OF PERMIT
- SEC. 6-10.17 MINIMUM AGE REQUIREMENT
- SEC. 6-10.18 PERMITS NONASSIGNABLE
- SEC. 6-10.19 CHANGE OF NAME OR LOCATION, EXPANSION OF BUILDING
- SEC. 6-10.20 DISPLAY OF PERMIT
- SEC. 6-10.21 FACILITIES AND OPERATING REQUIREMENTS
- SEC. 6-10.22 RESPONSIBILITY OF EMPLOYER
- SEC. 6-10.23 OUT-CALL MASSAGE THERAPY PERMIT
- SEC. 6-10.24 PERMIT DURATION AND RENEWAL
- SEC. 6-10.25 APPLICABILITY TO EXISTING BUSINESSES
- SEC. 6-10.26 CEASE OF BUSINESS
- SEC. 6-10.27 INSPECTION
- SEC. 6-10.28 ENFORCEMENT

Section 2. Severance. Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Section 3. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective 30 calendar from and after the date of its adoption.

Introduced at a meeting of the Hayward City Council held April 25, 2006, the above-entitled ordinance was introduced by Council Member Henson.

This ordinance will be considered for adoption at the next meeting of the Hayward City Council, to be held on May 2, at 8:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. The full text of this ordinance is available for examination by the public in the Office of the City Clerk.

DATED: April 29, 2006

Angelina Reyes, City Clerk
City of Hayward